

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

IN THE MATTER OF THE APPLICATION
OF THE UNITED STATES FOR AN ORDER
AUTHORIZING THE INSTALLATION AND
USE OF A POLE CAMERA NEEDED FOR A
CRIMINAL INVESTIGATION

CASE NO. 5:21-sw-00111-JLT

[~~PROPOSED~~] ORDER

UNDER SEAL

ORDER

This matter comes before the Court pursuant to the application of the United States, under the All Writs Act, Title 28, United States Code, Section 1651(a), requesting an Order be issued:

1. Authorizing the continued installation, maintenance and use of video equipment on a utility pole. The utility pole is on the corner of the alley way near 301 Orange Street, in the city of Arvin, California. The utility pole has a view of the intersection of Stockton Avenue and Orange Avenue, a view of Stockton Avenue north of Orange Avenue, a view of the southeast corner of **125 Stockton Avenue, Arvin, California 93203 (Location #1)**, and the area directly below and in front of the pole. The utility pole is owned by PG&E and is located on the property owned by the city of Arvin. The pole camera shall be used to conduct and record visual surveillance of activities along the public thoroughfare and the exterior (the latter meaning areas that can be observed by normal surveillance from a public vantage point) of the surrounding area for a period of 90 days.

2. Directing PG&E and the city of Arvin to furnish agents of Homeland Security Investigations (HSI) forth with all of the information, facilities and technical assistance necessary to accomplish the installation, maintenance and use of the video equipment. The Court finds that the

1 United States has offered specific and articulable facts showing that there are reasonable grounds to
2 believe that the information likely to be obtained by the installation and use of the requested video
3 equipment relevant and material to an ongoing criminal investigation by Homeland Security
4 Investigations (HSI), in conjunction with the Drug Enforcement Administration (DEA) and the Kern
5 County Sheriff's Office (KCSO) (collectively, the "Investigating Agencies"), and others in connection
6 with various offenses in violation of Title 21, United States Code, Sections 841 and 846. Accordingly:

7 IT IS HEREBY ORDERED, pursuant to 28 United States Code, Section 1651(a), that the
8 Investigating Agencies are authorized to install, maintain, and use the requested video equipment on the
9 aforementioned utility pole to conduct surveillance of the public thoroughfare and the exterior of the
10 surrounding area of **125 Stockton Avenue, Arvin, California 93203 (Location #1)**, in Arvin,
11 California, for a period of 90 days following expiration of the authority first granted in this matter on
12 July 23, 2021;

13 IT IS FURTHER ORDERED, that PG&E and the city of Arvin shall provide the Investigating
14 Agencies forthwith with all of the information, facilities and technical assistance necessary to
15 accomplish the installation, maintenance, and use of the video equipment with a minimum of
16 interference with services presently provided by means of the utility pole; and


17 IT IS FURTHER ORDERED, that PG&E and the city of Arvin shall be compensated by
18 Homeland Security Investigations (HSI) for reasonable expenses incurred in providing technical
19 assistance; and

20 IT IS FURTHER ORDERED that in the event that the city of Arvin and/or PG&E objects to this
21 Order, it shall have the right to apply forthwith to the Court ex parte for whatever relief or modification
22 it deems essential under the Order and its obligation to comply with this Order shall be stayed until the
23 Court rules on any such objection; and

24 IT IS FURTHER ORDERED that this Order and the Application be filed and maintained
25 UNDER SEAL until further order of the Court, and that PG&E, the city of Arvin, and their agents
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1 and employees, shall not disclose to any other person the existence of this Order, the Application, the
2 camera or this investigation, unless and until otherwise ordered by the Court.

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4 Dated: October 15, 2021


5 The Honorable Jennifer L. Thurston
6 Chief United States Magistrate Judge
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